

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILMER B. GAY,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	
	:	
ROBERT D. SHANNON, et al.,	:	NO. 02-CV-4693
Defendants	:	

ORDER

AND NOW, this day of , 2005, upon consideration of the Motion of Commonwealth defendant, Major Mooney, for Authorization to Depose Plaintiff, it is hereby ORDERED that said motion is GRANTED. Movant shall depose plaintiff in person, telephonically, or by video deposition, at a State Correctional Institution.

BY THE COURT

NORMA L. SHAPIRO, S.J.

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WILMER B. GAY,	:	CIVIL ACTION
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	:	
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	:	
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**MOTION OF DEFENDANT MOONEY FOR AUTHORIZATION TO DEPOSE
PLAINTIFF**

Commonwealth defendant, Major Mooney, pursuant to Fed.R.Civ.P.
30(a)(2), moves to depose plaintiff, incorporates the attached memorandum of
law, and states:

1. Fed.R.Civ.P. 30(a)(2) provides for deposition of a prisoner only
upon leave of court.
2. It will be helpful to depose plaintiff in preparation for summary
judgment and/or trial.

WHEREFORE, movant respectfully requests authorization to depose
plaintiff, as noted in the proposed order.

THOMAS W. CORBETT, JR.
ATTORNEY GENERAL

BY: /s/ Patrick J. McMonagle
Patrick J. McMonagle
Deputy Attorney General
Identification No. 83890

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Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

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**MEMORANDUM OF LAW IN SUPPORT OF MOTION OF COMMONWEALTH
DEFENDANT FOR AUTHORIZATION TO DEPOSE PLAINTIFF**

Plaintiff is an inmate at the State Correctional Institution at Huntingdon. Fed.R.Civ.P. 30(a)(2) states that "[a] party must obtain leave of court, which shall be granted to the extent consistent with the principles stated in Rule 26(b)(2), if the person to be examined is confined in prison..." In light of plaintiff's allegations, a deposition of plaintiff will be helpful for summary judgment and/or trial preparation concerning his claims pursuant to 42 U.S.C. § 1983. Therefore, defendant corrections official requests authorization to depose plaintiff, as set forth in the proposed order.

THOMAS W. CORBETT, JR.
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CERTIFICATE OF SERVICE

I, Patrick J. McMonagle, Deputy Attorney General, hereby certify that a true and correct copy of the Commonwealth Defendant's Motion to for Authorization to Depose Plaintiff was filed electronically and is available for viewing and downloading from the ECF system as of March 11, 2005. I further certify that a true and correct copy of said document was mailed on March 11, 2005, postage prepaid, to:

Wilmer Gay
Inmate AF 2709
State Correctional Institution - Huntingdon
1100 Pike Street
Huntingdon, PA 16654-1112

THOMAS W. CORBETT, JR.
ATTORNEY GENERAL

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